

## The Bloomfield Citizen.

SATURDAY, DECEMBER 4, 1886.

## A Christian Association. Is It Needed?

The organization of a Young Men's Christian Association in the village calls for extended comment. If successful, it will prove a power for good. If a failure it is likely to leave the state of religion at a lower ebb than before. In any case it will demand the expenditure of a great deal of time, labor and money. Ought the work to be undertaken?

This is a serious question to be considered in the inception of this as of any other important undertaking.

At first thought good people will herald the new movement with enthusiasm. An instrument of righteousness; bid it God-speed; a work of the young men, the strong, the vigorous, the enthusiastic, hail it with joy, thankful for the new power, given to Christianity in the earth! Cities and towns are cited where large buildings have been erected and a good work done among the irreligious, the homeless, and the thoughtless. In such places, reading rooms, gymnasia, cheap restaurants free, from the enticements to drink, are much needed, while the union meetings for prayer save many from the enticements to sin. The liberal contributions of earnest, thoughtful men, have been cheerfully given to secure a permanent home for the Association of all our large cities. Their work is outside of and beyond that done by the churches, and thus furnishes its own justification.

This being admitted, does it follow that a town Christian Association would be equally useful? Let us see.

A Christian Association is in the nature of the case a Christian Club. To sustain it will require the evenings of a large number of the active young men in the churches. Home life must be neglected, church meetings must be abandoned, money must be freely spent, with perhaps the final result of establishing a club for the young men of the village. Without the active work of a paid secretary it can hardly be successful, while there is danger lest mere amusements may become the staple of its existence. Clubs are the bane of American life, and rarely to be commended, unless sternly kept within proper restrictions by their presiding officers. It is quite possible that this result may not follow the establishment of an Association in this village. Nothing is farther from the thought of its projectors. Yet the tendency must be considered. The establishment of open meetings for prayer is but one of its objects and is apt to assume a modest place in the programme.

But if the morale of such an organization were to be only good, where is the work? Where are the young men not now under church influences? There is here no floating population, no young men without homes. It would seem that the scheme could thrive only through the active efforts of the young men already engaged in church work, who now propose in effect to organize a new church to be supported by the money which should be devoted to the sustentation of the old organizations.

Were it proposed to organize a new church, Presbyterian, Methodist, Baptist or Episcopalian, it would be wise to count the cost, lest it end in failure and financial loss.

It is also wise to consider whether the circumstances of this village call for the expenditure of money, time and labor, which must be devoted to this undertaking. Nor should the evils necessarily attendant upon such organizations be lightly considered.

While glad to approve all means for improving the moral and spiritual condition of the village, the Citizen desires that the whole subject be fully considered and discussed, before the community shall be called upon to put into execution the plans of the young men.

## Powers of Overseers of the Highways.

The case of Charles L. Ward vs. James Peck, recently decided in the Supreme Court of this State is one of considerable interest to property owners in this town and elsewhere.

The facts of the case were briefly these. Mr. Ward was the owner of a piece of land on Bloomfield avenue opposite Liberty street, through which the Essex County Road Board cut a ditch to drain the water from Bloomfield avenue. Mr. Ward protested against the use of his land for that purpose without compensation and finally, failing to obtain satisfaction, he sued Mr. James Peck, the president of the Road Board, for trespass upon his premises. Mr. Peck interposed several defenses in the Circuit Court when the case was first tried, in all of which he failed except the last, in which he justified his action under those sections of the Road Board Act

which give the Road Board the same powers conferred upon overseers of the highways by the 45th section of the Road Act.

Counsel for Mr. Ward attacked the constitutionality of that 45th section but the Circuit Court sustained it and based its judgment for the defendant upon that section.

The case was then certified to the Supreme Court upon a motion for a new trial, and in the opinion submitted the Supreme Court holds that portion of the act authorizing overseers to open new ditches, which was the point in controversy, to be unconstitutional.

This decision will, unless it be subsequently reversed, take from the overseers of the highways a very dangerous arbitrary power.

The opinion of the Court was delivered by Chief Justice Beasley, and was as follows:

This suit was brought against the defendant, who was president of the Essex Road Board, to recover damages for the opening on the property of the plaintiff a ditch or drain for the purpose of carrying off water from a public road known as Bloomfield Avenue, in the County of Essex. It will be assumed for present purposes that the defendant in his official capacity was clothed with the power of an overseer of the highways in the performance of the act complained of, and that he did nothing but what he was warranted to do by force of the 45th section of the general road law, Rev. 1005. That provision is in these words, viz.: "It shall be lawful for the overseer of the highways, or other person by his order, to enter on lands adjacent to such highways, and to cut, make, scour out, cleanse and keep open such gutters, drains and ditches therein as shall be sufficient to convey or drain off the water from the said highway, with the least disadvantage to the owner of the said land, and the owner and every other person except such overseer is hereby prohibited from filling up, stopping or obstructing such gutter, drain or ditch under the penalty," &c.

It thus appears that authority is here given to the officer to cut or make a drain for the purpose mentioned, over land where no ditch or drain exists. This was what was done in the present case, and the only question, therefore, is whether the section quoted, as far as it relates to this matter, is still in force in this State. There can be no doubt that such an appropriation of land as that just described is a taking of private property for public use. By laying the drain the public acquire a right to a perpetual easement in the property burdened, and the owner pro tanto has been deprived of his property. The right to enter upon the property and clean out a drain already existing in existence would obviously not be a taking of the property and it would seem that no doubt could be entertained that by force of the section contained in the legislative clause just cited, such act would be altogether lawful. But the inquiry is, how can the land of the citizen be permanently applied to the public use unless upon the basis of compensation being made to him? The authority conferred upon the overseer in the section referred to, appears to have originated in colonial times and has always been an accompaniment of the road act, and it is deemed that in regard to the feature now in question, it is to be taken as a part of the power given by the old law to sequester, without rendering any equivalent for it, so much private property as was requisite for the public roads. The power to appropriate the land for a drain was supplementary to the power to take the land for the road itself. Under the prevalence of the ancient laws compensation was to be made for neither of such appropriations. But by section 16 of Article 1 of the Constitution of this State adopted in the year 1844, it is declared, "that private property shall not be taken for public use without just compensation; but land may be taken for public highways, as heretofore, until the legislature shall direct compensation to be made." Since the introduction of this constitutional provision, the legislature has directed that when land be taken for public roads it shall be paid for.

By force of this clause of the constitution, effectuated as it has been by this subsequent legislation, I see no reason to doubt that every vestige of the ancient jus publicum to seize the property of the citizen without rendering to him its value, has been entirely abolished in this State. And if power existed to make this appropriation of this land in question it would be a sheer anomaly in our jurisprudence, and it would stand plainly opposed to the spirit of the most essential constitutional clause just recited. But in point of fact the right so to appropriate this property is as inconsistent with the letter as it is with the spirit of this declaration of the organic law, for if we are to regard this authority conferred on the overseer as an authority separate from the authority to construct the road, then plainly it is abrogated by the general declaration that private property shall not be taken for public use without compensation, and if it is regarded to be taken as a part of the power to construct the road itself it is specially annulled by the latter clause of the section, made effectual by the legislation which ensued.

Let the Circuit Court be advised that the defendant had no legal authority to make the drain in question.

## LITERARY NOTES.

—Robert Browning has been elected Foreign Secretary to the British Royal Academy, in the place of the late Lord Houghton.

—Messrs. Routledge & Son announce a new edition of Balzac's novels, to be called the Pocket Volume Edition. Mrs. Sydney Dobell is editing the poems of her late husband for publication.

—An English translation of Daudet's 'Tartarin sur les Alpes' is coming from the press of George Routledge & Sons. It will be illustrated with 150 drawings. The American edition will number 300 copies. Of the French original, 100,000 copies have been sold.

—Mr. Bishop's Atlantic novel, 'The Golden Justice,' is to be reissued in book form by Houghton, Mifflin & Co. His 'Detmold' has been added to the Riverside Pocket Series. The same house announce an anonymous book of verses, to be called 'The Heart of the Wood.'

—The successful story of Mr. Robert Louis Stevenson, 'The Strange Case of Dr. Jekyll and Mr. Hyde,' is to be parodied in a story to which the anonymous author has given the title of 'The Stranger Case of Dr. Hyde and Mr. Crusball.' His novel, 'Kidnapped,' is at present being illustrated by Mr. W. B. Hole, and will be published in an elaborate edition at the end of the year by the Cassells.

—Mrs. Cleveland has set for her portrait to Mr. J. Keppeler, and a large lithographic reproduction of Mr. Keppeler's water color painting will be given with the Christmas Puck which will appear the last week in November, and will contain four cartoons and one hundred engravings in soft, delicate shades of color. To be sure of a Merry Christmas buy Christmas Puck.

—Lippincott's Magazine has paid Miss Cleveland \$500 for an original poem four hundred lines in length, which is said to be full of snap and sex. It is gratifying to learn that Miss Cleveland has entirely severed her connection with Literary Life, and that she never wrote the 'Venice of the West' and 'Tyrian Purple Letters' attributed to her some months ago.

—Richard Henry Stoddard the critic of the Mail and Express, is fifty enthusiastic over a work which is richly deserving his commendation when he says:

"For the first time since they were given to the world under the transparent guise of Sonnets from the Portuguese, these glorious poems have for the artist who could find illustration them, and now, at the end of about two score years, they have found him. He is Mr. Ludwig Sandoe Ipsen, of whom we only know that his name is more or less familiar to us in connection with illustrated holiday books, mostly of Boston manufacture, if we remember rightly, but which is now certain, we think, to be widely known in Europe as well as America. The task which he undertook in illustrating these sonnets was one which demanded unusual fertility of fancy and imagination. The task of Mr. Ipsen was to make eighty-eight drawings, no two of which should be alike, and all of which should be beautiful and in keeping with each other, and he has accomplished it. No description that we could write would give the least idea of the fertility and variety of his invention, in the shields, or scrolls, or whatever we should call them, and in the frame or border work; of the fancy or imagination of his conceptions in both of the grace and loveliness of his leaf-work, flower-work, fruit-work, bird-work and figure-work; of his fantasy, his poetry and his subtle sympathy with his author. Nothing like this has ever been done in this country before, and nothing like it will ever be done here again, unless by Mr. Ipsen himself."

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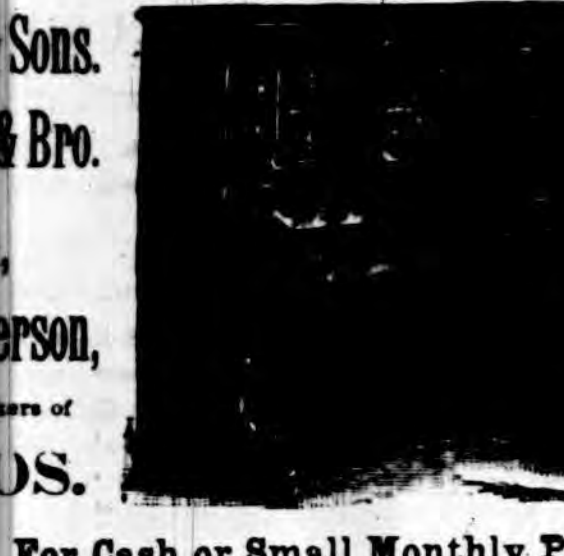
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